

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARC ELLIOT,

Plaintiff,

v.

HBO HOME ENTERTAINMENT CORP., a
Delaware Corporation; JEHANE
NOUJAIME, an individual; KARIM AMER,
an individual; THE OTHERS, LLC, a Florida
limited liability company; THE OTHERS
LICENSING CORP., a Florida corporation;
THE SQUARE, LLC, a New York limited
liability company; ISABELLA
CONSTANTINO, an individual; JOHN
DOES 1–10,

Defendants.

Case No. 4:23-cv-01611-SEP

DECLARATION OF LISA HELLER

I, Lisa Heller, hereby declare, under penalty of perjury, as follows:

1. I am Executive Vice President (“EVP”), HBO Documentary and Family Programming, for Home Box Office, Inc. (“HBO,” incorrectly sued as “HBO Home Entertainment Corp.”).

2. I respectfully submit this declaration in support of Defendants’ motion to dismiss for lack of personal jurisdiction pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, for improper venue pursuant to Rule 12(b)(3), and for failure to state a claim pursuant to Rule 12(b)(6). The statements in this declaration are based on my personal knowledge.

3. HBO distributes content throughout the United States, including to viewers in Missouri.

4. HBO oversaw *The Vow* series for presentation on HBO/MAX.

5. I was the programming executive that oversaw the documentary series *The Vow* alongside the co-EVP of HBO Documentary and Family Programming.

6. Attached hereto as **Exhibit A** is a true and correct copy of Season 2, Episode 3 of *The Vow*. The following watermark has been added to the video for purposes of this litigation:

Property of Home Box Office, Inc.
Produced solely for use in connection with
Elliot v. HBO Home Entertainment Corp. et al

7. As far as I am aware, all of the HBO employees who worked on *The Vow* series for presentation on HBO/MAX were located in New York or California.

8. As far as I am aware, none of the HBO employees who worked on *The Vow* traveled to Missouri in connection with the series, nor did they have any dealings with people or companies in Missouri.

9. As far as I am aware, none of the HBO employees who worked on *The Vow* had any knowledge of Mr. Elliot living in Missouri when the series was produced or released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Executed:

Lisa Heller
Lisa Heller (Jan 12, 2024 14:18 EST)
Lisa Heller